

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOMENIC TRICOME	:	CIVIL ACTION
	:	
v.	:	
	:	
UNITED STATES OF AMERICA	:	NO. 12-5872

ORDER

AND NOW, this 12th day of July, 2013, after considering defendant's motion to dismiss (paper no. 16), plaintiff's response in opposition (paper no. 20), and defendant's reply (paper no. 23), and for the reasons set forth in the accompanying memorandum, it is **ORDERED** that:

1. The motion to dismiss is **GRANTED** without leave to amend.
2. The court's Order of May 21, 2013 (paper no. 17) scheduling a Fed. R. Civ. P. 16 pretrial conference in this action for July 18, 2013 is **VACATED**. The pretrial conference will *not* take place as scheduled.

/s/ Norma L. Shapiro
J.